

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROBERT GARDNER,
Plaintiff,

v.

**SOUTHEASTERN PENNSYLVANIA
TRANSPORTATION AUTHORITY
(SEPTA),**
Defendant.

CIVIL ACTION

NO. 20-6045

ORDER

AND NOW, this 3rd day of August, 2021, upon consideration of defendant Southeastern Pennsylvania Transportation Authority's Motion to Dismiss Plaintiff's Amended Complaint (Document No. 8, filed February 19, 2021), plaintiff Robert Gardner's Opposition to Defendant's Rule 12(b)(6) Motion to Dismiss the Amended Complaint (Document No. 9, filed February 26, 2021), and defendant's Reply Memorandum of Law in Further Support of Motion to Dismiss (Document No. 12, filed March 8, 2021), for the reasons stated in the accompanying Memorandum dated August 3, 2021, **IT IS ORDERED** that defendant's Motion to Dismiss Plaintiff's Amended Complaint is **GRANTED IN PART** and **DENIED IN PART**, as follows:

1. That part of defendant's Motion which seeks dismissal with prejudice of plaintiff's claims under the ADA and PHRA for retaliation and failure to accommodate based on denial of overtime work is **GRANTED** as time-barred;
2. That part of defendant's Motion which seeks dismissal with prejudice of plaintiff's claims under the ADA and PHRA for retaliation based on the failure to promote him to Light Rail Control Center Manager is **GRANTED** because of the absence of causation; and
3. The Motion is **DENIED** in all other respects.

IT IS FURTHER ORDERED that a preliminary pretrial conference will be scheduled in due course.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.